

REMARKS

A. Request for Reconsideration

Applicant has carefully considered the matters raised by the Examiner in the Final Office Action and noted in the Advisory Action of December 1, 2010. Applicant respectfully requests reconsideration of the Examiner's position based on the following amendments to the claims and remarks.

B. Claim Status

Claims 4-5, 7, 9 and 10 are presented for further prosecution.

Claims 4 and 7 are amended to require the elastomeric resin in the amount of about 110% to 500%, and the microsilica in the amount of 1% to 400%. Support can be found in Example 4, on page 7, line 10, and on page 2, lines 16-19. Dependent claim 5 has been amended to recite the microsilica in the amount of 20% to 300%. Support can be found in Example 4, on page 7, line 11, and on page 3, lines 1-2.

No new matter has been added.

C. Obviousness-Type Double Patenting Rejection

Claims 4-7 and 9-10 had been provisionally rejected as being obvious in view of claims 1-8 of copending Application No.

11/718,590.

Applicant requests that the Examiner hold this obviousness-type double patenting rejection in abeyance until this case is ready for allowance.

D. Claim Rejections under 35 USC § 103(a)

The Examiner has maintained the rejection of claims 4-7, 9 and 10 under 35 USC 103(a) as being unpatentable over a combination of Underwood, Emmett, and Černac.

The presently claimed invention is directed to a method for production of a highly filled elastomeric compound by forming an elastomeric resin with a high filler content and by adding a microsilica to it (e.g., page 2, lines 20-24).

The advantages of the presently claimed method are the unexpected properties of low viscosity and good processability of the highly filled elastomeric compounds (e.g., page 3, lines 16-19). It is well known in the art that elastomeric compounds with high filler loadings have increased viscosity which leads to poor processability and scorch safety (e.g., page 1, line 8-19).

The presently claimed invention, as amended herein, solves this processability problem by adding microsilica to a highly loaded elastomeric compound. Independent claims 4 and 7, as amended herein, are directed to a method for preparing highly filled elastomeric resin in which the filler is present in the amount of 110-500% and microsilica is added in the amount of 1-400%.

For instance, in Example 4, NBR/PVC compound was prepared with a total filler content of 110 per hundred parts resin (hereinafter "phr"). This compound was modified by the addition of 20 phr microsilica. As evidenced by Table 4, the composition according to the invention, exhibited unexpected and surprising improvement in physical properties (i.e., lower viscosity over the prior art compound).

As previously submitted, Underwood does not disclose Applicant's invention because it simply provides for a resin composition with particulate amorphous silica. In other words, Underwood is completely silent regarding the method of adding microsilica to an already highly filled resin composition.

Emmett does not remedy this deficiency because Emmett is

completely silent with regard to the highly filled elastomeric compounds.

Also, Cernac does not disclose the presently claimed invention because it is silent with regard to highly filled elastomeric compounds.

Thus, Applicant submits that the combination of Underwood, Emmett and Cernac does not disclose all of the claimed limitations and would not have rendered obvious the claimed subject matter to one of ordinary skill in the art.

In view of the amendments and arguments presented above, reconsideration and withdrawal of this ground of rejection is respectfully requested.

E. Timeliness of Response

Applicant hereby petitions for a one-month Extension of Time within which to file a Response and the fee associated with this Extension is paid concurrently.

F. Conclusion

In view of the foregoing, it is respectfully submitted that

the application is in condition for allowance and such action is respectfully requested. Should any extensions of time or fees be necessary in order to maintain this Application in pending condition, appropriate requests are hereby made and authorization is given to debit account #02-2275.

Respectfully submitted,

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